

REMARKS

The present amendment is submitted in response to the Office Action dated November 29, 2006, which set a three-month period for response, making this amendment due by February 28, 2007.

Claims 15-28 are pending in this application.

In the Office Action, claims 1-7 were rejected under 35 U.S.C. 112, first paragraph, on grounds the specification does not reasonably provide enablement for a blocking means that at least prevents the insertion tool from turning around an axis of rotation. Claims 1-14 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,005,321 to Barth et al. Claims 1-14 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,464,573 to Keller.

In this amendment, claims 1-14 have been canceled and new claims 15-28 were added. New claims 15 and 16 include the features of original claims 12 and 13, respectively. The features recited in claim 17 are disclosed on page 2, lines 11 and 12. Support for claim 18 can be found on page 1, lines 20-22. Disclosure of the features of claim 19 can be found on page 3, lines 8 and 9. Support for claims 20 and 21 can be found on page 3, lines 8-9 and page 3, line 13, respectively. Disclosure of the features of claims 22 and 23 can be found on page 3, lines 23-24 and page 3, lines 18 and 23, respectively.

Original claims 8-11 are presented herein as new claims 24-27, respectively. Finally, original claim 14 is presented as new claim 28. The

Applicants respectfully submit that the subject matter of the new claims is not anticipated by the cited patents to Barth or Keller.

The cited reference to Keller discloses an angle grinder 20 with a protective cover 22, which partially covers an inserted, rotating tool. So that the protective cover 22 cannot rotate when operated, it is attached with a clamp ring 44 to a flange 32 of a lower bearing housing 32 of the angle grinder 20. For this purpose, the clamp ring 44 is configured to accept a clamp screw 52 (Keller, column 5, lines 49-52). The inner side of the clamp ring 44 comprises a knurled surface 54. With a secure and firm tightening of the clamp screw 52, this knurled surface 54 provides a hold of the protective cover 22 that protects the cover from rotating (Keller, column 6, lines 4-8 and column 6, claim 1, lines 51-54).

Contrary to the position of the Examiner, the protrusion 60 in the clamp ring 44 does not have the additional effect of preventing the protective cover 22 from rotating. In addition, the projection 60 serves only for simple mounting of the clamp ring 44 on the flange 32. Indeed, it is possible to completely eliminate these projections 60 (Keller, column 4, lines 41-54). Thus, the above-noted feature of the frictional connection serves only for preventing rotation of the protective cover 22. In this system made up of a clamp ring 44 and flange 32, there is ***no corresponding component***, which forms a positive fit or locking for protection against a rotation.

As Keller provides, the function of the rotation prevention means depends on ***the clamping torque of the clamp screw 52*** and therefore, the function of

the system is based on **a frictional connection** between the clamp ring 44 and the flange 32.

In contrast, the subject matter of the present invention, as defined in claim 15, differs in that the maintenance of the rotation-prevent means is independent from the clamping torque of an attachment screw (specification of the present application, page 1, lines 20-23).

According to the present invention, a stop cam 32 is used, which, in a limiting groove, limits the rotation of the protective hood 16, independently from the clamping torque of a clamping screw 28 (specification, page 5, lines 27 through page 6, line 2). This system is based on a **corresponding positive fit or locking** between the stop cam 32 and the limiting groove 34.

Therefore, new claim 15 is not anticipated by Keller, since it includes features that are not disclosed by Keller.

The Applicants also respectfully disagree with the Examiner that the Barth reference anticipates the subject matter of the present invention. The Examiner states that Barth discloses an angle grinder with a protective hood 30, in which a rotation about the rotational axis of an inserted tool 13 is prevented (...”prevent the guard 30 from turning around an axis of rotation...”, Office Action, page 3, line 3).

The system disclosed in Barth, however, does not consider rotation prevention. Its function is exclusively the correct manipulation and attachment of protective hoods of different sizes. The sizes of these protective hoods depends

on the diameter and the rotational speed of the inserted tool (Barth, column 1, lines 8-16 and column 1, lines 45-47).

In Barth, the protective hoods 30 with different diameters have different sized blocking elements 35 for realizing this objective. These blocking elements 35 are associated with different axial insertion grooves 20 (Barth, column 4, lines 2-8). The insertion grooves 20 are located on a shoulder 17 of the fastening receptacle 14 of the angle grinder and end in a ***completely circumferential annular groove 21***. Upon insertion of the protective hood 30 on the shoulder 17, the blocking element 35 runs through the corresponding insertion groove 20 and comes to rest in the circumferential annular groove 21. In this annular groove 21, the blocking element 35 – and therewith, the protective hood 30 – rotates similar to a bayonet connection. Thus, only an axial securing is provided (Barth, column 4, lines 36-46).

Also here, the rotation of the protective hood is prevented, in that on a retaining part 31, a clamping screw 34 is tightened and likewise results in a ***frictional connection*** (Barth, column 2, lines 48-57). As in Keller, Barth also provides no corresponding component, which forms a ***positive locking or fit*** for protection against rotation.

Therefore, claim 15 also is patentable over the Barth reference.

With regard to the remaining references cited by the Examiner as relevant, the patents to Alessio, Häberle, and Häusslein all disclose attachment systems for protective hoods of angle grinding machines, which essentially use other mechanical components for securing the protective hood, as is the case in the

present invention. In the Keller, Barth, and Häberle references, the rotation protection is maintained with the aid of a conventional clamp ring, whereby the holding of the protective hood is based on the principle of a frictional connection. Alessio and Häusslein disclose attachment systems, which have a large number of additional elements, which serve to attach the protective hood to the machining tool. In Häusslein, an additional spring element 24 is used, which is attached with four screws 28 to the machining tool. Here, an additional plate 5 with three screws 7a-7c is attached to the machining tool, so that the protective hood is held in its position.

None of these references discloses a rotation-prevention means, in which the protective hood is secured against rotating only with the aid of a blocking means 32, 40 and a corresponding stop means 34, 42. The Applicants therefore respectfully submit that whether the references are viewed alone or in combination, the practitioner would not be led to the present invention from the teachings provided by these references.

For the reasons set forth above, the Applicants respectfully submit that new claims 15-28 are patentable over the cited art. The Applicants further request withdrawal of the rejections under 35 U.S.C. 102 and reconsideration of the claims as herein amended.

In light of the foregoing amendments and arguments in support of patentability, the Applicants respectfully submit that this application stands in condition for allowance. Action to this end is courteously solicited.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,

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